

AUG 23 2013

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

David J. Bradley, Clerk of Court

ARCADE JOSEPH COMEAUX, JR.,
(TDCJ-CID #841331)

Plaintiff,

vs.

DARRELL SUTTON, *et al.*,

Defendants.

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CIVIL ACTION H-03-2555

JURY QUESTIONS

QUESTION NO. 1

Has the plaintiff, Arcade Comeaux, Jr., proven that one or more of the following defendants violated his constitutional rights by using excessive force against him?

Answer "yes" or "no" as to each of the following defendants:

ANSWER:

Darrell Sutton

"Yes"

"No"

✓

Robert Jenkins

"Yes"

"No"

✓

Mark Biscamp

"Yes"

"No"

✓

If you answered “yes” as to any defendant in Question No. 1, then proceed to Question No. 2. Otherwise, do not answer any further questions.

QUESTION NO. 2

Has Arcade Comeaux, Jr. proven that one or more of the following defendants violated his constitutional rights by failing to intervene to protect him by stopping the use of excessive force?

Answer “yes” or “no” as to each of the following defendants:

ANSWER:

Bradley Hutchison

“Yes”

“No”

Austin McComb

“Yes”

“No”

Tim Simmons

“Yes”

“No”

If you answered "yes" as to any defendant in Question Nos. 1 or 2, then proceed to Question No. 3. Otherwise, do not answer any further questions.

QUESTION NO. 3

Has Arcade Comeaux, Jr. proven that any of the defendants' acts or failure to act was objectively unreasonable in light of the facts and circumstances confronting him?

Answer "yes" or "no" for each defendant:

ANSWER:

Darrell Sutton	<hr/> "Yes"	<hr/> "No"
Robert Jenkins	<hr/> "Yes"	<hr/> "No"
Mark Biscamp	<hr/> "Yes"	<hr/> "No"
Bradley Hutchison	<hr/> "Yes"	<hr/> "No"
Austin McComb	<hr/> "Yes"	<hr/> "No"
Tim Simmons	<hr/> "Yes"	<hr/> "No"

If you answered “no” as to all defendants in Question No. 3, then proceed no further. Otherwise, proceed to Question No. 4 as to any defendants as to whom you answered “yes.”

QUESTION NO. 4

Do you find that any of the defendants’ acts or omissions caused injury to Arcade Comeaux, Jr.?

Answer “yes” or “no” for each defendant.

ANSWER:

Darrell Sutton	_____	_____
	“Yes”	“No”
Robert Jenkins	_____	_____
	“Yes”	“No”
Mark Biscamp	_____	_____
	“Yes”	“No”
Bradley Hutchison	_____	_____
	“Yes”	“No”
Austin McComb	_____	_____
	“Yes”	“No”
Tim Simmons	_____	_____
	“Yes”	“No”

If you answered Question No. 4 "yes" as to any defendant, then proceed to Question No. 5 as to any such defendant. Otherwise, do not answer any more questions.

QUESTION NO. 5

What amount of money paid now in cash, if any, do you find that Arcade Comeaux, Jr. has proven by a preponderance of the evidence would reasonably compensate him for the violation of his rights by one or more of the defendants, if any?

Answer for each defendant and the following elements of damage and none other.

ANSWER:

Darrell Sutton:

- | | | |
|----|---|----------|
| A. | Physical pain and suffering in the past | \$ _____ |
| B. | Physical pain and suffering in the future | \$ _____ |
| C. | Mental anguish suffered in the past | \$ _____ |
| D. | Mental anguish suffered in the future | \$ _____ |

Robert Jenkins:

- | | | |
|----|---|----------|
| A. | Physical pain and suffering in the past | \$ _____ |
| B. | Physical pain and suffering in the future | \$ _____ |
| C. | Mental anguish suffered in the past | \$ _____ |
| D. | Mental anguish suffered in the future | \$ _____ |

Mark Biscamp:

- A. Physical pain and suffering in the past \$ _____
- B. Physical pain and suffering in the future \$ _____
- C. Mental anguish suffered in the past \$ _____
- D. Mental anguish suffered in the future \$ _____

Bradley Hutchison:

- A. Physical pain and suffering in the past \$ _____
- B. Physical pain and suffering in the future \$ _____
- C. Mental anguish suffered in the past \$ _____
- D. Mental anguish suffered in the future \$ _____

Austin McComb:

- A. Physical pain and suffering in the past \$ _____
- B. Physical pain and suffering in the future \$ _____
- C. Mental anguish suffered in the past \$ _____
- D. Mental anguish suffered in the future \$ _____

Tim Simmons:

- A. Physical pain and suffering in the past \$ _____
- B. Physical pain and suffering in the future \$ _____
- C. Mental anguish suffered in the past \$ _____
- D. Mental anguish suffered in the future \$ _____

QUESTION NO. 6

Has Arcade Comeaux, Jr. proven that he is entitled to an award of punitive damages as to any of the defendants?

Answer "yes" or "no" as to each defendant.

Darrell Sutton	<hr/> "Yes"	<hr/> "No"
Robert Jenkins	<hr/> "Yes"	<hr/> "No"
Mark Biscamp	<hr/> "Yes"	<hr/> "No"
Bradley Hutchison	<hr/> "Yes"	<hr/> "No"
Austin McComb	<hr/> "Yes"	<hr/> "No"
Tim Simmons	<hr/> "Yes"	<hr/> "No"

If you have answered Jury Question No. 6 "yes," you must answer Jury Question No. 7. Otherwise, do not answer it.

Jury Question No. 7

What sum of money, if paid now in cash, do you award as punitive damages as to any of the defendants?

Answer in dollars and cents as to each defendant.

ANSWER:

Darrell Sutton \$ _____

Robert Jenkins \$ _____

Mark Biscamp \$ _____

Bradley Hutchison \$ _____

Austin McComb \$ _____

Tim Simmons \$ _____

CERTIFICATE

We, the jury, have answered the questions as indicated, and return them
into court as our verdict.

Date: 8-23-2013

Original Signature on File

Presiding Juror